

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 8/28/2012	(3) CONTACT/PHONE Ryan Hostetter, Planner III\ (805) 788-2351	
(4) SUBJECT Hearing to consider adoption of an ordinance to: 1) amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County's Green Building Ordinance and, 2) amend the Health and Sanitation Ordinance – Solid Waste Management (Title 8 of the San Luis Obispo County Code) by repealing Section 8.12.450 et seq. Supervisorial District: All.			
(5) RECOMMENDED ACTION That the Board of Supervisors: (1) Adopt the attached ordinance, which was introduced to the Board on August 21, 2012, to add a Chapter 8 to Title 19 that adopts the County's Green Building Ordinance (2) Repeal Title 8, Section 8.12.450 et seq. of the County Code (Health and Sanitation – Solid Waste Management); and (3) Authorize and direct the Chief Building Official to transmit a copy of this ordinance to the California Building Standards Commission and California Energy Commission as required by California Health and Safety Code Section 17958.7.			
(6) FUNDING SOURCE(S) Grant	(7) CURRENT YEAR FINANCIAL IMPACT \$26,000	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>180 min</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>August 21, 2012</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Ryan Hostetter, Planner III

VIA: Matt Janssen, Division Manager, Building Division

DATE: August 28, 2012

SUBJECT: Hearing to consider adoption of an ordinance to: 1) amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County's Green Building Ordinance and, 2) amend the Health and Sanitation Ordinance – Solid Waste Management (Title 8 of the San Luis Obispo County Code) by repealing Section 8.12.450 et seq. Supervisorial District: All.

RECOMMENDATION

That the Board of Supervisors:

- (1) Adopt the attached ordinance, which was introduced to the Board on August 21, 2012, to add a Chapter 8 to Title 19 that adopts the County's Green Building Ordinance
- (2) Repeal Title 8, Section 8.12.450 et seq. of the County Code (Health and Sanitation – Solid Waste Management); and
- (3) Authorize and direct the Chief Building Official to transmit a copy of this ordinance to the California Building Standards Commission and California Energy Commission as required by California Health and Safety Code Section 17958.7.

DISCUSSION

At today's meeting, your Board is to hold a public hearing and take final action by adopting the attached ordinance for the proposed amendments. This item was introduced on August 21, 2012. The item is now before you for final approval and adoption.

The item includes a request by the County of San Luis Obispo to amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 to Title 19 which adopts the County's Green Building Ordinance. Additionally a request to amend the Health and Sanitation Ordinance – Solid Waste Management (Title 8 of the San Luis Obispo County Code), by repealing Section 8.12.450 et seq. is before you for adoption today as well as this is proposed to be added to the new Chapter 8 of Title 19.

The adopted EnergyWise Plan identified the primary contributors of greenhouse gas emissions (GHG) in our county as building (30%), water/sewer (2%), and waste (2%). The plan seeks to reduce community wide GHG by 15% by the year 2020 (this is the same target identified in the Conservation and Open Space Element). In order to achieve this, the plan provides measures which target reductions through such ideas as: energy conservation measures for new and existing development, increased use of renewable energy, increased construction waste diversion, and water conservation. The proposed County Green Building Ordinance provides methods for new construction and remodels to help achieve these target reductions.

Background

On January 12, 2010, the California Building Standards Commission ("BSC") unanimously adopted the first in the nation green building code ("CALGreen"). CALGreen, which applies to all building permits pulled on or after January 1, 2011, requires residential and commercial developers to implement a wide range of sustainability measures in the areas of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and air quality. According to the Governor's press release, CALGreen will help California meet its goals of "curbing global warming and achieving 33% renewable energy by 2020" (referring to the 33% renewable energy portfolio mandated by Assembly Bill 32). Cal Green did not include requirements for existing buildings as it only applied to entirely new construction. The County of San Luis Obispo however elected to address existing buildings which Cal Green omitted (residential) as well as review measures that are specific to local conditions and input received through the outreach process which was undertaken for this proposed ordinance.

In 2009 the County Department of Planning and Building received an Energy Efficiency and Conservation Block Grant from the Department of Energy (American Recovery and Reinvestment Act) which allowed the County to conduct the work for the Green Building Ordinance. In 2010, after direction from the Board of Supervisors to pursue preparation of an ordinance, the County conducted five public outreach meetings to receive comments before work on the ordinance was undertaken. Based on many of those comments, the County organized a technical committee of volunteers in the community who were able to provide specific technical expertise in drafting the ordinance language based on community comments. This committee was comprised of builders, representatives of the Home Builders Association, engineers, representatives of the American Institute of Architects, electrical engineers, planners, city officials throughout the county as well as members of the local green building community. The ordinance before you today is the product of many meetings and reviews with this technical committee so that its content was essentially drafted by the professional experts in the field.

Technical Summary

The County Green Building Ordinance is not intended to replace the requirements of the California Building Code, but is a supplement to the standards as they relate to local conditions. The County is required to follow the building codes adopted by the State of California, the next editions of which will be effective January 1, 2014. These codes can be modified to reflect local climatic, geological, or topographical conditions, and the County must adopt these local modifications as part of the County Code. This code adoption will continue all special construction requirements unique to San Luis Obispo County concurrent with the new codes established by the State of California.

The ordinance is approximately nine pages long and is divided into nine separate sections. Those sections are: Purpose, Definitions, Applicability, Residential Standards, Non Residential Standards, Additional Requirements, Administrative Procedures, Appeals, and Exemptions. The actual development standards are located in two of those sections, the Residential Standards and Non Residential Standards sections. The applicability of the standards is based on the project size and valuation, which allows fewer requirements for smaller projects than those that are larger in size. The requirements of the ordinance only apply to projects for which a permit is required, and the requirements are enforced when the standards are triggered depending on the particular project. Not all projects will trigger the standards as some are exempt based on the "Exemption" section. Following is a narrative of the proposed ordinance standards by section:

Residential Projects Standards

Standards listed for residential projects are dependent upon the project size, and if the project is a new building or a remodel of an existing structure. Projects that are renovations or alterations are asked to comply with the state Cal Green standards for the areas where work is being conducted within the project. This is a section that was omitted from the existing Cal Green code that the County identified as an important contributor to energy costs, and that only requiring new homes to comply with Cal Green was missing the bulk of our building stock and permits issued by the County. Therefore, with this proposed ordinance the County is asking that residential alterations or additions comply with the current minimum Cal Green standards.

Building Requirements – Residential Remodels & Alterations

Residential projects which have an estimated construction valuation of \$10,000 or more (as determined by standard price per square foot calculation from the County Assessor's Office) are required to submit a home energy rating. This rating is good for five years and is to be submitted to the Department of Planning and Building. The outcome of the rating will be available as a part of the construction permit which is public record. The County will not require the property owner to physically conduct the recommended changes listed in the home energy rating, but rather the rating is to be used as an educational tool for the property owner. The results of the rating may include home upgrades that the property owner did not perform but could complete on their own time as they see fit.

Building Requirements – Small Homes

New homes that are 2,500 square feet or less are required to submit a green building checklist as a part of the construction plans. The County is asking that a minimum number of points be achieved depending on which checklist the builder chooses to use. The project builder has the choice of either using a Green Point Rated, Leadership in Energy and Environmental Design (LEED), or Cal Green Tier 1 checklist on their plans. The point minimums the County is requesting to use have been established by local builders in the field on projects that they have under construction. It is anticipated that meeting the minimum number of points is simple to achieve based on experience with our building community, and no other third party certification is required for these small homes.

Building Requirements – Large Homes

New homes that are larger than 2,500 square feet are required to submit their checklist similar to smaller homes (less than 2,500 square feet); however they are also required to be third party verified. The builder has the choice of using Green Point Rated, LEED, or Cal Green Tier 1; however the home must be certified as required under that particular rating system. Green Point Rated requires a "Green Point Rater" to verify the home, LEED requires project registration and certification through their system, and Cal Green would allow the County Building Inspector to verify compliance for certification. This allows the project builder the option of which system would work better for their individual project. This requirement also states that the home be 15% more efficient than the current (2010) Title 24 Part 6 energy requirements (these are not applicable to the smaller homes). When the State updates the 2010 Title 24 Part 6 energy requirements, then those would supersede this Green Building Ordinance until such time the County Board of Supervisors updates the Green Building Ordinance and adopts additional energy requirements.

Residential Water

Residential water usage is another item that was determined to be of great importance for San Luis Obispo County residents. Fixtures in older homes which may be outdated, and landscaping which uses water were two of the items the County as well as the Green Building Ordinance Technical Committee determined to require attention. The water requirements for residential projects that have a valuation over \$10,000 state that all fixtures throughout the residence shall be updated to comply with current state code requirements. This will essentially retrofit any fixtures that are heavy water users, but only when the requirement is triggered by the project size. Outdoor water for landscaping within new construction (new homes) requires that the newly installed landscaping comply with the Cal Green "Tier 1" requirements which state that water efficient landscape irrigation design reduce the use of potable water and that the irrigation design uses weather based sensors and soil moisture sensors for the landscaped area.

Residential Renewable Energy

The final residential requirement includes standards for renewable energy. While there was much debate with the technical committee regarding requiring solar installation versus the upfront cost, the committee came to the conclusion that at this time requiring new homes to be "solar ready" would be most efficient. This will allow any future property owner to potentially take advantage of current tax incentive programs for installation of their individually designed solar system if they choose to do so. Requiring new homes to be "solar ready" allows for much easier installation of a system on the home. This essentially requires that conduit be installed from the main panel to the roof area for new homes only.

Non Residential Projects Standards

The next section of standards are for commercial or “non residential” projects as they are referred to in the California Building Code. These requirements are set up very similarly to the residential standards. The intent is that the requirements must be triggered through a permit, and the size of the project will determine which requirements will be triggered for an individual project. Unlike the residential requirements however, Cal Green (or the state building code) identifies requirements for commercial remodels. Therefore the County Green Building Ordinance does not include separate requirements for remodels as those are currently captured by the state code (unlike residential remodels).

Commercial Building Requirements

New construction projects are separated by project size, and the smaller projects are triggered when they are at least \$10,000.00 in valuation (if smaller they are not included) but are less than \$1,000,000.00 in valuation. These projects are required to submit a checklist with the construction plans similar to that of smaller residences, and no third party inspection is required. However, projects that are higher than \$1,000,000.00 in valuation must include the checklist, complete the third party certification, and comply with the additional energy efficiency requirements (15% beyond the 2010 Title 24 Part 6 requirements). Additionally, large commercial projects must include electric vehicle infrastructure for 3% of their required parking spaces (with a minimum of one space).

Commercial Water

Water usage requirements are separated by indoor water use versus water for outdoor or landscaping purposes. Indoor water requirements include retrofitting existing commercial buildings with water fixtures that comply with current code requirements on all commercial remodels that are \$10,000.00 in valuation or more (assuming the water fixtures don't already comply with the code). The outdoor water requirements apply to new projects only, and require that new landscaping include irrigation systems that contain both moisture sensors and weather based data to determine how to irrigate depending on climatic information.

Commercial Renewable Energy

The last section in the ordinance related specifically to commercial projects includes the requirement for renewable energy, again similar to that of the residential section. The requirement states that new commercial projects shall also be solar ready. The building permit must include conduit designs from the main electrical panel to an accessible location for future solar panels within the structure. Additionally, new commercial project plans must include a basis of design which is basically a narrative outlining the energy using systems proposed for the particular structure and recommendations for siting and design of the renewable energy systems for that structure.

Additional Requirements – All Projects

Construction Waste Recycling

The County currently has a waste recycling ordinance which is located within the Health and Sanitation Code (Title 8) and is administered by the County Department of Public Works. Because recycling of construction debris is typically included in green building standards, staff is requesting the standards be removed from the Health and Sanitation Code and be placed within the Green Building Ordinance, and the County Department of Planning and Building will administer the requirements as a part of the building code with all construction projects similar to the way the Department of Public Works has currently been administering the program. The recommendation includes removing chapter 8.12 of the County Health and Sanitation Code and adding the requirements into 19.08.160 (a). The specific requirements are taken from an existing ordinance which has been historically used and therefore is not new for our County. The requirement did change the percentage of construction material from recycling at least 50% of construction debris to 70% and, if possible, 75% as local recycling facilities will allow. Some materials cannot be recycled as the facilities are unable to support some materials such as carpeting and roofing materials. However, based on the existing program outlined in Title 8, most building projects today are recycling from 68% to 70% based on records from the Department of Public Works.

Incentives

Projects which are being certified through a third party such as LEED or Green Point Rated can obtain a permit cost reduction through the Building Division. Residential projects can receive \$500 back on their permit fees. Non Residential projects that are third party certified can reduce permit fees by \$500 for projects that are under 5,000 square feet, \$1,000 for projects that are 5,000 to 10,000 square feet, and \$2,000 less for all projects over 10,000 square feet.

Off Grid Power Supply

The final section applicable to all projects includes a requirement which states that structures shall not obtain power from generators. Generators are allowed for use in emergency situations and must comply with local Air Pollution Control District standards. They are not to be used as a permanent power source for residences as they generate emissions. Structures that are self-powered are required to size photovoltaic and battery systems to provide power for 100% of the calculated load.

Administration & Exemptions

The final sections of the ordinance outline administrative procedures for use of the ordinance, as well as exemptions from the requirements of the ordinance. It is anticipated that under some circumstances particular projects will not be able to comply with all sections of the ordinance, and therefore there is a process for exemptions which can be granted by the Chief Building Official.

The proposed amendment is attached as Exhibit A.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to applicable agencies and design/construction industry groups. The ordinance was approved by County Counsel as to form and codification.

BUSINESS IMPACT STATEMENT

The proposed Green Building Ordinance will result in a minor increase in development costs for some businesses in the Building Design & Construction cluster, but it may be partially mitigated through better marketability for sale or lease of the energy efficient buildings as well as cost savings through energy efficiency.

FINANCIAL CONSIDERATIONS

Over the course of the three year grant period \$242,002 will have been used for the proposed Green Building Ordinance through the final hearing (the grant must be closed out this October). This funding has been a result of a grant received by the Department of Energy through the American Recovery and Reinvestment Act. A total of \$192,002 has been allocated toward staff hours for the past three years which includes 688 hours by the Chief Building Official, 1,479 hours by Building Division Plans Examiners, 607 hours from a Planner III, and four hours from administrative staff. These staff hours have included attending all Community Advisory Council meetings in the county for public outreach, organizing and hosting three public outreach meetings in various communities of the county, organizing and hosting multiple technical committee meetings, drafting and revising many versions of the ordinance, and coordination with the State Building Standards Commission and California Energy Commission staff over the course of three years. The remaining funding of \$50,000 has been used by consultants which have assisted with additional outreach, public meetings, technical committee meetings, training courses, and community meetings.

RESULTS

Adoption of these amendments today will allow them to become effective January 1, 2013.

ATTACHMENTS

1. Exhibit A - Final Version of text changes for proposed amendments
2. Exhibit B - California Environmental Quality Act Exemption Forms
3. Exhibit C - Climate Zones 4 & 5 Energy Cost Effectiveness Study (Clerks File)